

- 2 -

In the claims:

All of the claims standing for examination are reproduced below. Claims 1, 3, 6, 8 and 13 are amended in this response, claims 2 and 7 are cancelled.

1. (currently amended) A system for replacing data services of a server-node connected to a client-node with data services available from an alternate server-node operating on a data-packet-network comprising:
 - a first server-node;
 - a client node coupled by data link to the first server-node;
 - an alternate second server-node connected to the network and accessible to the client node; and
 - a software module;
characterized in that the software module monitors one or more quality-of-service (QoS) statistical values from the first and second server nodes, compares actual QoS values with estimated values, and switches communication for the client node between the server nodes accordingly based on the comparison of the values.
2. (canceled)
3. (currently amended) The system of claim 1 wherein the data services comprise streaming multimedia ~~media~~ content.
4. The system of claim 3 wherein the software module resides at the client location.

- 3 -

5. The system of claim 4 wherein the software module operates transparently to a user operating the client node.
6. A software module for enabling selective replacement of data services of a first server-node connected to a client-node with data services available from an alternate server-node operating on a data-packet-network comprising:
 - a data input function for receiving quality-of-service (QoS) statistical data from external sources the first and alternate server-nodes;
 - an analytical function for compiling the received data and producing a result based on data a comparison of the QoS data from the first server-node with that of the alternate server-node; and,
 - a command function for effecting a client-server connection switch based on results of the comparison.
7. (canceled)
8. (currently amended) The module of claim 7 6 wherein the software module resides at the client location.
9. The module of claim 8 wherein the module operates transparently to a user operating the client node.
10. The module of claim 9 wherein the processed performance data is compared against a pre-set threshold value.
11. The module of claim 10 wherein the collected performance data is equated to a point system and values are assigned to compiled sets of data.

- 4 -

12. The module of claim 11 wherein an option to switch client-server connection from one server node to an alternate server node is presented to a user operating at the client location.

13. A method for replacing data services of a first server-node connected to a client-node with data services available from an alternate server-node operating on a data-packet-network comprising;

(a) monitoring performance characteristics quality-of service (QoS) statistical data of the first server-node connected to the client node, and the performance characteristics QoS statistical data of the network path between the first server-node and the client-node;

(b) establishing a temporary client-server connection between the client-node and an the alternate server-node;

(c) recording performance characteristics the QoS statistical data of the alternate server-node, and the performance characteristics QoS statistical data of the network path between the alternate server-node and the client-node;

(d) comparing the total value of performance characteristics the QoS statistical data of the server-node with the estimated value of available performance characteristics QoS statistical data of the alternate server-node; and

(e) initiating a client-to-server connection switch based on the results of the comparison.

14. The method of claim 13 wherein in step (a), monitored results are continuously compared against a pre-set threshold value for determination of whether to proceed to step (b).

- 5 -

15. The method of claim 13 wherein in step (e), initiation of the client-to server connection switch is user directed from the client location.